

Party Name : TUKAN SAHA ON BEHALF OF ACCD AMAR SAHA Vs THE STATE OF TRIPURA

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HONBLE THE CHIEF JUSTICE DEEPAK GUPTA

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This is the second application moved by the petitioner for grant of bail. Earlier, this Court had rejected the application of the petitioner on 23.09.2015 and the main ground for rejecting the application was that it could not be said it certainty whether the hanging is suicidal or homicidal.

Mr. S. Ghosh, learned counsel for the petitioner has drawn my attention to the statement of the mother of the victim recorded by the police in which she has clearly stated that her daughter committed suicide and that the accused and his mother abetted the suicide.

At this stage, I am not going into the merits of the case because it is for the trial Court to decide whether this is a case of suicide or homicide but prima facie it cannot be said it certainty that this is a case of murder and therefore, I am inclined to grant bail to the accused. The accused is behind bars for 150 days and investigation is complete.

Therefore, the accused is directed to be enlarged on bail on his furnishing bail bond in the sum of Rs.20,000/- (rupees twenty thousand) with one surety in the like amount to the satisfaction of the trial Court undertaking therein:-

(i) That, the accused is directed not to tamper with or in any manner influence the prosecution witnesses;

(ii) That, the accused shall ensure that no threat directly or indirectly is given to any of the prosecution witnesses;

(iii) The accused is further directed not to cause any hindrance in the investigation;

(iv) The accused shall not leave Tripura without permission of the appropriate Court;

(v) The accused shall appear before the trial Court on each and every date of hearing. In case, he absents himself on any date, then the trial Court shall cancel the bail and the accused shall be arrested. Thereafter, the petitioner shall have to again approach this Court for grant of bail;

(vi) In case, the accused violates any of the conditions or tries to delay the trial, the prosecution shall be at liberty to apply for cancellation of bail.

With these observations, the bail application is disposed of.

On the petitioner filing application for supply of the copy on payment of appropriate fees, the copy of the same shall be supplied to the petitioner by tomorrow.